



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,003	03/12/2001	Gideon Martin Reinier Weishut	NL 000147	8863

24737 7590 04/14/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,003

Applicant(s)

WEISHUT ET AL.

Examiner

Michael R Shannon

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed September 20, 2001 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered. As thoroughly discussed with the attorney of record (Steve Peterson (914) 333-9640) on April 13, 2005, the application was filed with an incorrect IDS (submitted PTO-1449 form lists serial number 09/729,607, which is not the application in consideration); therefore, the IDS will not be considered.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6-8, and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sciammarella et al (USPN 6,608,633), cited by examiner.

Regarding claim 1, the claimed "method of rating database objects" is met as follows:

- The claimed step of "categorizing the objects into a plurality of categories" is met by the discussion of programs being organized and displayed within the GUI according to categories [col. 5, lines 8-13].
- The claimed step of "rating at least one of the said categories, characterized in that the method further comprises a step of arranging the categories in accordance with a multi-level category scheme with a first level of categories and a second level of categories subordinate to a respective category of the first level" is met by the measuring value used to compute the relative importance of various categories [col. 5, lines 8-20] and the fact that the categories can be further sub-divided into sub-categories, which can also be ranked according to the aforementioned measuring value [col. 6, lines 53-65].
- The claimed step of "computing a rating of a category of the first level as a function of ratings of subordinate categories of the second level" is met by the "all" subcategory, as discussed in column 6, lines 53-65. This "all" subcategory gives the user the option to use the rankings from all of the subcategories in order to compute the total ranking of the category. For example, the sub-categories "baseball", "football", "basketball", "soccer", "hockey", "tennis", and "boxing" fall under the "Sports" category and are, by default, selected when the user selects the "all" sub-category. Since

every program is classified according to a category and sub-category, it is realized that rankings are inherited from sub-category to category for the purposes of ranking the category accordingly.

Regarding claim 2, the claimed "method as defined in claim 1, characterized in that the rating of the category of the first level is computed as the average of the ratings of subordinate categories of the second level" is met by the "all" subcategory, as discussed above and in column 6, lines 53-65. This "all" subcategory gives the user the option to use the rankings from all of the subcategories in order to compute the total ranking of the category. For example, the sub-categories "baseball", "football", "basketball", "soccer", "hockey", "tennis", and "boxing" fall under the "Sports" category and are, by default, selected when the user selects the "all" sub-category. Since every program is classified according to a category and sub-category, it is realized that rankings are inherited from sub-category to category for the purposes of ranking the category accordingly. The fact that the ranking is computed using an average function is inherent since the rankings must be computed somehow in order to give an average interpretation of the category ranking based on sub-category ranking.

Regarding claim 6, the claimed "method as defined in claim 1, characterized in that the objects are programs in an electronic program guide (EPG) database, and the categories of the first and second level are genres and sub-genres of said programs, respectively" is met by the discussion of the EPG data which is sent in the data stream from the head end [col. 7, line 62 – col. 8, line 4]. The GUI discussed throughout the

Art Unit: 2614

reference makes use of the EPG data (including genre and sub-genre of each program) that is stored in data buffer 11.

Regarding claim 7, the claimed "apparatus for processing database objects" is met as follows:

- The claimed "objects being categorizing into a plurality of categories" is met by the discussion of programs being organized and displayed within the GUI according to categories [col. 5, lines 8-13].
- The claimed "user profile means for rating a least one of said categories, characterized in that the user profile means are further adapted to arrange said categories in accordance with a multi-level category scheme with a first level of categories and a second level of categories subordinate to a respective category of the first level" is met by the measuring value used to compute the relative importance of various categories [col. 5, lines 8-20] and the fact that the categories can be further sub-divided into sub-categories, which can also be ranked according to the aforementioned measuring value [col. 6, lines 53-65].
- The claimed step of "computing a rating of a category of the first level as a function of ratings of subordinate categories of the second level" is met by the "all" subcategory, as discussed in column 6, lines 53-65. This "all" subcategory gives the user the option to use the rankings from all of the subcategories in order to compute the total ranking of the category. For example, the sub-categories "baseball", "football", "basketball", "soccer",

Art Unit: 2614

“hockey”, “tennis”, and “boxing” fall under the “Sports” category and are, by default, selected when the user selects the “all” sub-category. Since every program is classified according to a category and sub-category, it is realized that rankings are inherited from sub-category to category for the purposes of ranking the category accordingly.

Regarding claim 8, the claimed “apparatus as defined in claim 7, characterized in that the rating of the category of the first level is computed as the average of the ratings of subordinate categories of the second level” is met by the “all” subcategory, as discussed above and in column 6, lines 53-65. This “all” subcategory gives the user the option to use the rankings from all of the subcategories in order to compute the total ranking of the category. For example, the sub-categories “baseball”, “football”, “basketball”, “soccer”, “hockey”, “tennis”, and “boxing” fall under the “Sports” category and are, by default, selected when the user selects the “all” sub-category. Since every program is classified according to a category and sub-category, it is realized that rankings are inherited from sub-category to category for the purposes of ranking the category accordingly. The fact that the ranking is computed using an average function is inherent since the rankings must be computed somehow in order to give an average interpretation of the category ranking based on sub-category ranking.

Regarding claim 12, the claimed “broadcast receiver as an apparatus defined in claim 7, said objects being programs in an electronic program guide (EPG) database, and the categories of the first and second level are genres and sub-genres of said programs, respectively” is met by the discussion of the EPG data which is sent in the

Art Unit: 2614

data stream from the head end [col. 7, line 62 – col. 8, line 4]. The GUI discussed throughout the reference makes use of the EPG data (including genre and sub-genre of each program) that is stored in data buffer 11.

Regarding claim 13, the claimed “computer program product for performing, when executed on a programmable computing device, the steps of the method as defined in claim 1” is met by the same discussion as set forth in claim 1. The fact that a computer program product can execute the steps of claim 1 is met in column 5, lines 21-25, wherein a computer program for accomplishing the aforementioned steps is disclosed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al (USPN 6,608,633), cited by examiner, in view of Lemmons (USPN 6,481,011), cited by examiner.

Regarding claim 3, the Sciammarella reference teaches all of that which is discussed above with regards to claim 1. The Sciammarella reference does not, however, teach the claimed “method as defined in claim 1, characterized in that the method further comprises a step of visually representing a rating by means of a color”. The Lemmons reference teaches the use of colors to distinguish between liked and

Art Unit: 2614

disliked programs [col. 6, lines 13-21] and between sub-genres [col. 6, lines 57-67]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of colors into the rating system, in order to more accurately highlight programs and genres that a user likes [col. 1, lines 56-59].

Regarding claim 4, the Sciammarella and Lemmons references teach all of that which is discussed above with regards to claim 3. The Sciammarella reference does not, however, teach the claimed "method as defined in claim 3, characterized in that a plurality of ratings is represented by means of a single color, a parameter of said color corresponding to a respective one of said plurality of ratings". The Lemmons reference discloses the ability for the user to assign a color to a rating in order to fit personal preferences [col. 6, lines 13-21]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of colors into the rating system, in order to more accurately highlight programs and genres that a user likes [col. 1, lines 56-59].

Regarding claim 5, the Sciammarella and Lemmons references teach all of that which is discussed above with regards to claim 4. The Sciammarella reference does not, however, teach the claimed "method as defined in claim 4, characterized in that said parameter is the saturation of said color". The Lemmons reference does disclose a way to distinguish between different colors and ratings by varying intensity of color through the use of backgrounds and patterns [col. 7, lines 49-53]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the

Art Unit: 2614

use of varying colors into the rating system, in order to more accurately highlight programs and genres that a user likes [col. 1, lines 56-59].

Regarding claim 9, the Sciammarella reference teaches all of that which is discussed above with regards to claim 7. The Sciammarella reference does not, however, teach the claimed "apparatus as defined in claim 7, characterized in that the apparatus further comprises a display screen and the user profile means are adapted to visually represent a rating by means of a color". The Lemmons reference teaches the use of colors to distinguish between liked and disliked programs [col. 6, lines 13-21] and between sub-genres [col. 6, lines 57-67]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of colors into the rating system, in order to more accurately highlight programs and genres that a user likes [col. 1, lines 56-59].

Regarding claim 10, the Sciammarella and Lemmons references teach all of that which is discussed above with regards to claim 9. The Sciammarella reference does not, however, teach the claimed "apparatus as defined in claim 9, characterized in that a plurality of ratings is represented by means of a single color, a parameter of said color corresponding to a respective one of said plurality of ratings". The Lemmons reference discloses the ability for the user to assign a color to a rating in order to fit personal preferences [col. 6, lines 13-21]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of colors into the rating system, in order to more accurately highlight programs and genres that a user likes [col. 1, lines 56-59].

Regarding claim 11, the Sciammarella and Lemmons references teach all of that which is discussed above with regards to claim 10. The Sciammarella reference does not, however, teach the claimed "apparatus as defined in claim 10, characterized in that said parameter is the saturation of said color". The Lemmons reference does disclose a way to distinguish between different colors and ratings by varying intensity of color through the use of backgrounds and patterns [col. 7, lines 49-53]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of varying colors into the rating system, in order to more accurately highlight programs and genres that a user likes [col. 1, lines 56-59].

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ali (Pub. No. 2002/0199194) discloses a system and method for teaching categories and sub-categories using a rating system such as "thumbs up" and "thumbs down" to rate categories of programming.

Rowe et al (USPN 5,623,613) disclose a system for displaying programming information in an EPG format based on Category and Sub-category classifications.

Wehmeyer et al (USPN 5,867,226) discloses a system for searching an EPG based on category and information related to category such as amount of programming watched in that category.

Art Unit: 2614

Easty et al (USPN 6,448,987) discloses a graphical user interface, which presents categories and subcategories of digital content in concentric rings.

Finseth et al (USPN 6,754,906) discloses an EPG with organization based on multiple levels of categorical information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon whose telephone number is (571) 272-7356. The examiner can normally be reached Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

Art Unit: 2614

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: (703) 872-9306


Hand-delivered responses should be brought to:

Knox Building
501 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
March 23, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600